

Message Text

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PAGE 01 GUATEM 00661 011552Z

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 CIAE-00 INR-07 IO-13 JUSE-00
NSAE-00 SNM-02 TRSE-00 USIA-06 NSC-05 OES-06 OMB-01
SS-15 HEW-04 DODE-00 /069 W
-----011741Z 007838 /43

R 312308Z JAN 77

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC 4682

INFO DEA HQS WASHDC

AMEMBASSY MEXICO

LIMITED OFFICIAL USE GUATEMALA 0661

FOR L MR. FIELDS AND ARA/RPP MR. BROWN. DEA HQS FOR ENOL.

E.O. 11652: N/A

TAGS: SNAR, GT

SUBJ: REVISION OF GUATEMALAN NARCOTICS LAWS

1. EMBOFFS MET JANUARY 28 WITH CHIEF JUSTICE GUATEMALAN SUPREME COURT TO DISCUSS PROBLEM OF LIGHT SENTENCES GIVEN BY GUATEMALAN COURTS TO NARCOTICS VIOLATORS, DUE IN PART TO FACT THAT GUATEMALAN LAWS TREAT NARCOTICS OFFENSES AS RELATIVELY MINOR CRIMES. OF PARTICULAR CONCERN IS FACT THAT ALL NARCOTICS SENTENCES MAY BE PAID OFF AS FINES AT SO MUCH PER DAY. MAXIMUM JUDGE MAY IMPOSE IS \$5 PER DAY, AND MAXIMUM SENTENCE IS NORMALLY FIVE YEARS, SO THAT ANY INTERNATIONAL TRAFFICKER WITH ACCESS TO \$9,130 CAN PAY OFF EVEN MOST SEVERE SENTENCE WHICH JUDGE MAY HAND DOWN.

2. CHIEF JUSTICE HURTADO READILY AGREED THAT EXISTING LAWS ARE INADEQUATE AND NOTED THAT GUATEMALAN CONGRESS CURRENTLY CONSIDERING REVISION OF CRIMINAL CODE IMPOSING HARSHER SENTENCES FOR CERTAIN OTHER CRIMES, AND THAT IT MIGHT BE POSSIBLE TO HAVE THIS BILL AMENDED TO INCLUDE A
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REVISION OF NARCOTICS PENALTIES. HE PICKED UP THE PHONE AND CALLED PRESIDENT OF CONGRESS, WHO SAID CODE REVISION WOULD NOT BE CONSIDERED BEFORE WEEK OF FEBRUARY 15 AT EARLIEST AND HE THOUGHT NARCOTICS REVISION COULD EASILY BE INCLUDED. CHIEF JUSTICE PROMISED US HE WOULD PREPARE REVISION AND SEND IT TO CONGRESS SOON.

3. ALTHOUGH CHIEF JUSTICE DID NOT REQUEST ASSISTANCE IN REVISING PENALTIES, EMBASSY BELIEVES THAT IT MIGHT NEVERTHELESS BE HELPFUL TO HIM, AND USEFUL IN TURNING ASIDE ANY QUESTIONS OR CRITICISMS THAT MAY ARISE IN THE CONGRESS, TO HAVE SUMMARY OR TEXT OF NARCOTICS PENALTIES IN SOME OTHER LATIN AMERICAN COUNTRIES. OF PARTICULAR INTEREST WOULD BE WORDING OF ANY PROVISION CONCERNING COMMUTATION OF TIME TO BE SERVED INTO FINES, AND DISTINCTION LEGISLATION MAY ESTABLISH BETWEEN INTERNATIONAL SMUGGLING ATTEMPTS AND LOCAL POSSESSION OR TRAFFICKING. INFORMATION WILL BE NEEDED PROMPTLY IF WE ARE TO HAVE ANY EFFECT ON POSSIBLE REVISION OF GUATEMALAN LAWS.
BOSTER

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NNN

Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 31-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Review Exemptions: n/a
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